

Given that we know from overseas examples like Canada and the US, that appropriate changes can be made that reduce the level of state intrusion in Aboriginal family life, it appears to be irresponsible to allow the present abuses to go on.

In asserting the right of self-determination in relation to all matters affecting Aboriginal affairs in this country, we include the area of child welfare. The Federal government has Constitutional responsibility for Aboriginal affairs and the power of external affairs power to justify making a special law for the benefit of Aboriginal children.

I am urging you to at least consider what we are saying by meeting with our representatives to discuss this matter and explore the possibilities further. Do not close the door on this issue as many others have before you in earlier Labor Governments.

I look forward to hearing from you at your earliest convenience,

Yours sincerely,

*Brian Butler
Chairman*

National Aboriginal & Islander Children's Day, 4th August 1993

Theme: THEIR FUTURE, OUR RESPONSIBILITY

This year's National Aboriginal & Islander Children's Day (NAICD), reflects a growing concern that the wellbeing and the welfare of Aboriginal children is the sole responsibility of Aboriginal people, their families and communities.

Saying this does not mean that we have not realised this before or that we have not accepted this responsibility before. It says that if we are to make sure we get the best for our children, then we will have to rely on ourselves to make sure that it happens, because the experience of the last ten years has shown us that left to their own devices, governments will do little.

In Australia, where the prime responsibility for the wellbeing of children rests with the State and Territory governments, we have a fragmented system that provides different standards and rights for children in different geographical parts of the country. It is a situation that drew the attention of the UN Special Rapporteur on the Rights of the Child who visited this country last year. In terms of the rights and wellbeing of our children, this situation means that a concerted effort at improving the acknowledged disadvantage of our children cannot be addressed.

In an international comparison of the standards of Indigenous children's rights with other 'developed' countries where there are significant populations of Indigenous Peoples, like the United States and Canada, Australia is also a long way behind. In the US and Canada, the essential right of the Indian People to self-determination in relation to the rights and service provision to their children, is safeguarded through Federal legislation and the Constitution respectively. State and Provincial jurisdictions are subordinated to the tribal and community jurisdiction.

The result is that Indigenous Peoples in those two countries have, to a large extent, taken back responsibility for the welfare and wellbeing of their own children. It has meant that the kinds of abuses that were committed by the state, in the name of the best interests of Indian children, have been minimalised.

In Australia, as mentioned earlier, we are a long way behind. We would like to see the position of our children hauled back into the 20th century, in much the same way as the Mabo High Court decision did for the recognition of our existence, through its negation of the principle of 'terra nullius'.

For Aboriginal children, 'terra nullius' is still a reality. The laws in the States and Northern Territory provide the most meagre of acknowledgments that our children and families are different and have different concepts, structures and relationships.

Because of this situation, which includes the inertia of a child welfare system that is institutionally racist, our children are still over-represented in all the child welfare and juvenile justice statistics.

Ten years ago the Council of Social Welfare Administrators and Ministers said they would respond appropriately to the problems our children face in the system. Their plans have been given enough time to be tried and tested and they are not working.

We have waited long enough and have seen that the problems are too great for the piecemeal changes to have any effect. The problems are well documented, they include the removal of children from families who have had inordinate levels of state intrusion for over three generations.

It is time we were given back our age-old and ancestral responsibility for our children. It is time for federal legislation to be implemented in this country and for the construction of an Aboriginal child and family welfare system run by tribes and communities for the best interests of our children and families. We want this legislation to hand back to us the legal responsibility for our children that over-rides State and Territory jurisdiction. It should also, as the US Indian Child Welfare Act 1978 does, guarantee federal government financial support for the running of Aboriginal services.

Without the Federal Government playing this role, using its external affairs powers and its Aboriginal affairs responsibility, we cannot take up our responsibility.

This is what we mean by 'our responsibility for our children's future'.

For more information about NAICD activities in your area, and interviews, our secretariat in Melbourne [03 417 6744] will gladly help you.